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Question of Cyprus

Oceans and the law of the sea

Letter dated 8 December 2016 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General

With reference to the letter dated 15 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General of the United Nations (A/70/945-S/2016/541), I have the honour to state the following:

Turkey once again, through a series of unsubstantiated arguments, denies Greece's sovereign rights in the maritime area of the Eastern Mediterranean and its right to proceed to maritime delimitation with States with which it shares common maritime boundaries. Indeed, both the misleading and erroneous use of the principle of equity as a rule governing maritime delimitation, as well as the incidental and partial reading of the jurisprudence of the international courts and tribunals on maritime delimitation, aim at advancing these contentions as contained in the letter of 15 June 2016.

More specifically, Turkey reiterates in the above-mentioned letter its well-known arguments that the Greek islands in the said maritime area are not entitled to maritime zones (continental shelf and/or exclusive economic zones). This position totally ignores the rules of the international law of the sea regarding the rights of the islands to generate maritime zones as well as the process of maritime delimitation as this process has been applied by the international courts and tribunals. Greece wishes to reiterate its position on these issues, as set out on numerous occasions (see notes verbales No. 156.3/1675/12.7.2012 and No. 389/20.2.2013; *Law of the Sea Bulletin*, vol. 81, p. 23; and, recently, letter from the Permanent Representative of Greece, A/70/900-S/2016/474, dated 23 May 2016).

In this respect, concepts such as "land dominates the sea" and "cut-off effect" are used in the above-mentioned Turkish letter and in the abstract and outside the context of a delimitation process, aiming simply at refashioning geography.

Likewise, there is no rule of international law according to which delimitation in semi-enclosed seas "should ... be effected by agreement of all the related parties on the basis of the principle of equity so as not to prejudice the sovereign rights and jurisdiction of other interested States/entities". International law provides in detail the areas of cooperation of States in the case of enclosed and semi-enclosed seas, among which delimitation of maritime areas is not included.

In the light of the above, Greece wishes to reiterate that the Turkish contentions concerning the delimitation of the continental shelf in the Eastern Mediterranean are totally unfounded, as they disregard the sovereign rights of other States, including Greece, in the maritime area of the Eastern Mediterranean west of the meridian 32° 16' 18" E. Such contentions also constitute an interference with the right of Greece to effect delimitation of its maritime areas by agreement with third States on the basis of international law, as already stated in the letter of the Permanent Representative of Greece dated 23 May 2016.

Therefore, Greece refutes, in their entirety, the Turkish allegations contained in the above-mentioned letter from the Permanent Mission of Turkey.

I would be grateful if you could have the present letter circulated as a document of the General Assembly, under agenda items 41 and 73 (a), and of the Security Council, and published in the next *Law of the Sea Bulletin*.

(*Signed*) Catherine **Boura**
Ambassador
Permanent Representative

United Nations A/71/676

General Assembly

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9 December 2016

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Seventy-first session
Agenda item 152
Financing of the United Nations Operation in Côte d'Ivoire

Revised budget for the United Nations Operation in Côte d'Ivoire for the period from 1 July 2016 to 30 June 2017

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. **The recommendations of the Advisory Committee on Administrative and Budgetary Questions in paragraphs 16, 20, 22, 24 and 26 below would entail a reduction of $2,986,000 in the revised budget for the United Nations Operation in Côte d'Ivoire (UNOCI) for the period from 1 July 2016 to 30 June 2017** (A/71/599). The Committee has made recommendations and observations on specific issues, where appropriate, in the paragraphs below.

2. The Advisory Committee on Administrative and Budgetary Questions has considered an advance version of the report of the Secretary-General on the revised budget for the United Nations Operation in Côte d'Ivoire (UNOCI) for the period from 1 July 2016 to 30 June 2017 (A/71/599). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 7 December 2016.

3. The Advisory Committee recalls that, on 22 February 2016, the Secretary-General submitted the initial budget proposal for UNOCI for the 2016/17 period to the General Assembly (A/70/753). On 28 April 2016, the Security Council decided to extend the mandate of the Operation for a final period until 30 June 2017 in its resolution 2284 (2016) (see also para. 6 below). On 2 May 2016, the Advisory Committee was informed that the Secretariat was reviewing the impact of Council resolution 2284 (2016) on the financing of UNOCI and that the Secretary-General would present a revised budget proposal for 2016/17 for consideration by the Assembly during the main part of its seventy-first session (see A/70/742/Add.13, para. 11).

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4. Consequently, the Advisory Committee did not consider it appropriate to make any recommendations on the Secretary-General's initial budget proposal for the full financial period 2016/17 at that time, and instead recommended that the General Assembly authorize the Secretary-General to enter into commitments with assessment in the amount of $160,354,500 (equal to half of the proposed budget for 2016/17) for the maintenance of UNOCI for the six-month period from 1 July to 31 December 2016.

5. In paragraphs 15 and 16 of its resolution 70/272, the General Assembly subsequently authorized the Secretary-General to enter into commitments for the Operation in a total amount not exceeding $153,046,000 for the period from 1 July to 31 December 2016 and decided to apportion among Member States the same amount for the six-month period.

II. Revised budget for the period from 1 July 2016 to 30 June 2017

A. Mandate and planned results

6. The mandate of UNOCI was established by the Security Council in its resolution 1528 (2004) and was extended for a final period until 30 June 2017 in its resolution 2284 (2016). In paragraphs 17 and 18 of its resolution 2284 (2016), the Council also requested the Secretary-General to complete, by 30 April 2017, the withdrawal of all uniformed and civilian components of the Operation, other than those required to complete the Operation's closure from 1 May to 30 June 2017.

7. The Advisory Committee was informed that, since the adoption of resolution 2284 (2016), UNOCI has been working on concluding its remaining activities while also transitioning residual functions to the Government, the United Nations country team and partners, and in parallel, liquidating the Operation. To that end, the UNOCI handover plan, which had been developed around six themes in close partnership with the Government, the United Nations country team and partners, was presented to the Prime Minister of Côte d'Ivoire on 17 October 2016.[1] Moreover, the parties to the UNOCI handover plan have been progressively increasing their level of support in order for national reconciliation to advance further, for social cohesion to strengthen even more and for peace, security and economic development to remain on track. The Operation's revised budget includes projects to be implemented by the United Nations country team in particular, using assessed funds, as part of the Operation's transition and handover, as called for in Security Council resolution 2284 (2016) (see paras. 27 to 30 below).

8. The Advisory Committee was further informed that the ongoing liquidation of the Operation had resulted in the progressive drawdown of uniformed and civilian personnel and the closure of field locations and campsites. Furthermore, substantive activities of the Operation are scheduled to end by mid-February 2017 in the field and by 30 April 2017 at Operation headquarters, which will allow for the proper

[1] The six themes of the handover plan are: social cohesion; human rights and transitional justice; security sector reform; disarmament, demobilization and reintegration, weapons management and civilian disarmament; defence, security and law enforcement; and communications, in particular with regard to the Operation's radio station, ONUCI FM.

processing of assets and clean-up of sites following a full environmental inspection (see paras. 35 to 44 below).

9. Upon enquiry, the Advisory Committee was informed that the Operation fully expected the repatriation of military and police personnel, the drawdown of civilian personnel, the closure of premises, the disposal of assets and all other aspects of UNOCI liquidation to take place within the timeframe stipulated by the Security Council in its resolution 2284 (2016). **The Advisory Committee notes the planning for the phased withdrawal, handover activities and the liquidation by UNOCI and welcomes the activities undertaken by the Operation in that regard. The Committee urges the Secretary-General to complete the withdrawal of all the uniformed and civilian components of the Operation and the closure of the Operation as requested by the Security Council in its resolution 2284 (2016).**

10. The Advisory Committee enquired as to the potential impact of the withdrawal of the military contingents, formed police units and the Operation air fleet by February 2017 on the safety and security of the Operation personnel, its substantive work and the activities by the United Nations country team. The Committee was informed that the host country, in accordance with the status-of-forces agreement, was responsible for ensuring that Operation premises, installations and personnel were safe and secure and that the Operation was already in discussion with the Ivorian Government on different options, including arrangements for static security service. In addition, UNOCI indicated that it would retain its Chief Security Adviser, Deputy Security Adviser and 21 Security Officers in the Operation area throughout the liquidation period to ensure that the overall safety and security of personnel, premises and installations were adequately covered, in accordance with the minimum operating security standards and the minimum operating residential security standards of the Organization. Furthermore, the Security Risk Assessment for Côte d'Ivoire would undergo its annual revision in the first quarter of 2017 and would reflect all changes to the security reconfiguration of the Operation and United Nations country team. The Committee was also informed that, by the end of February 2017, the core substantive work of the Operation would be completed and the withdrawal of the UNOCI force and police would not affect the activities of the United Nations country team. **The Advisory Committee expects that the Secretary-General will take all necessary steps to ensure the safety and security of the Operation personnel, premises and installations following the withdrawal of the Operation's uniformed components.**

B. Resource requirements

11. The revised budget for UNOCI for the period from 1 July 2016 to 30 June 2017 amounts to $178,874,900, representing a decrease of $223,919,400, or 55.6 per cent, in gross terms, compared with the appropriation of $402,794,300 for 2015/16. The main factor contributing to the decreased requirements is the phased withdrawal and closure of the Operation. A breakdown of the variances is provided in the report of the Secretary-General (see A/71/599, sect. II.A).

12. The revised estimates of $178,874,900 for 2016/17 represent an amount of $25,828,900 in addition to the provision of $153,046,000 authorized by the General

Assembly for the period from 1 July to 31 December 2016 under the terms of its resolution 70/272 (see para. 5 above). The Secretary-General reports that, as at 30 September 2016, he has exercised his authority and entered into commitments in the amount of $83,710,800 and that it is projected that expenditures for the period from 1 October 2016 to 30 June 2017 will amount to $95,164,100, which will give rise to a total projected expenditure of $178,874,900 for the 2016/17 period (see A/71/599, paras. 137 to 139 and table 7). Upon request, the Advisory Committee received an updated status of expenditures as at 31 October 2016 for the period 2016/17 (see annex).

13. The Secretary-General indicates that the revised budget for 2016/17 takes into account the following: (a) during the mandate and withdrawal period from 1 July 2016 to 30 April 2017, the gradual withdrawal of up to 137 military observers, 2,601 military contingent personnel, 339 United Nations police officers, 420 formed police personnel, 251 international staff, 545 national staff, 89 United Nations Volunteers and 6 government-provided personnel; and (b) during the Operation's two-month closure period from 1 May to 30 June 2017, the separation of up to 82 international staff, 63 national staff and 14 United Nations Volunteers (see A/71/599, summary). Information with respect to the planned deployment and withdrawal of Operation personnel is provided in the report of the Secretary-General (see A/71/599, summary and paras. 31 to 36).

14. With regard to the status of death and disability compensation, the Advisory Committee was provided with updated information, upon request, indicating that an amount of $5,728,000 had been paid in respect of 146 claims since the inception of the Operation and that 3 claims were pending as at 31 October 2016. **The Advisory Committee trusts that the outstanding claims will be settled expeditiously.**

Consultants

15. A provision of $784,900 is requested for non-training consultants for 2016/17, representing an increase of $281,900, or 56 per cent, compared with the appropriation of $503,000 for 2015/16. The Committee notes that the related expenditure amounted to $294,700, or 59 per cent, of the appropriation for the 2015/16 period. According to the Secretary-General, the main factor contributing to the variance is the additional requirement in the areas of humanitarian and human rights and safe and secure environment to support the transition process, as well as consultants to design a monitoring and evaluation system to support the national disarmament, demobilization and reintegration process (see A/71/599, para. 124).

16. The Advisory Committee sought clarification on the need for the increased requirement for non-training consultants during the drawdown of the Operation, but did not receive satisfactory explanations. **The Advisory Committee is not convinced by the justification provided for the proposed increase under consultants for 2016/17 of $281,900, or 56 per cent, over the appropriation for 2015/16. The Committee therefore recommends that the provision for consultants for 2016/17 be maintained at the same level of $503,000 approved for 2015/16.**

Official travel

17. The proposed resource requirements for official travel for 2016/17 amount to $2,991,000, representing a decrease of $25,000, or 0.8 per cent, compared with the appropriation of $3,016,000 for 2015/16. The Advisory Committee notes from the

supplementary information provided to it that the expenditure under official travel amounted to $2,070,000 for the 2015/16 period. The Committee also requested a breakdown of the trips taken during 2016 and those planned for the remainder of 2016/17, but did not receive a satisfactory response.

18. A related matter is the proposed resource requirements for training for the period 2016/2017, which amount to $1,771,000, including an amount of $918,000 for training-related travel. The report of the Secretary-General states that the revised requirements for training for the 2016/17 period reflect an overall increase, in comparison with 2015/16, in the number of international and national staff, as well as military and police personnel, planned to be trained, owing to the withdrawal and closure of the Operation by 30 June 2017 (see A/71/599, paras. 107 and 109).

19. However, the Advisory Committee notes the extremely low implementation rates for training activities for 2015/16. It had been planned that 1,530 international staff, 1,189 national staff and 1,049 military and police personnel would participate in training activities during that period, while the actual participation was 245 (16 per cent), 411 (35 per cent) and 159 (15 per cent), respectively. Training plans for 2016/17 forecast participation of 1,168, 1,446 and 949 in the respective personnel categories (see A/71/599, para. 108).

20. **Taking into account the above-mentioned figures, in particular the actual expenditure incurred under official travel for 2015/16 and the reduced requirements for official travel during the phased drawdown of the military and civilian personnel for 2016/17, the Advisory Committee recommends a reduction of $1 million to the proposed requirements under official travel for 2016/17.**

Ground transportation

21. A provision of $3,703,600 is proposed under ground transportation for 2016/17, representing a decrease of $3,259,200, or 46.8 per cent, compared with the appropriation for 2015/16. The report indicates that the main factor contributing to that variance is the phased withdrawal and the closure of the Operation and the related reduction in requirements for fuel for vehicles and liability insurance, and the lack of a requirement for the acquisition of vehicles or workshop equipment. However, the overall reduction in requirements is offset, in part, by increased requirements for the rental of vehicles and for repair, maintenance and spare parts while the United Nations-owned vehicles fleet is being prepared for disposal (see A/71/599, paras. 127 and 128).

22. The Advisory Committee notes from the supplementary information provided to it that, compared with the appropriation for 2015/16, increased requirements in the amount of $667,100 are proposed for the repair and maintenance of vehicles (an increase of $268,600, or 57.4 per cent) and vehicle spare parts (an increase of $398,500, or 94.9 per cent) to prepare the United Nations-owned vehicle fleet for disposal. The Committee requested but did not receive meaningful information assessing the relative costs and benefits of the disposal/transfer of vehicles with or without repairs. **Taking into account the above, the Advisory Committee recommends a reduction of $667,100 to the proposed resources under ground transportation for 2016/1017.**

Communications

23. The proposed provision under communications for 2016/17 amounts to $3,690,800, representing a decrease of $1,242,800, or 25.2 per cent, compared with the appropriation for 2015/16. The Advisory Committee notes that, compared with the proposed reductions in resources for other categories of expenditures for 2016/17, the proposed requirements reflect a much lower reduction in proportional terms for both communications and information technology (see also paras. 25 and 26 below). The Committee enquired as to why the requirements for communications and information technology were not as much affected by the drawdown of Operation personnel and was informed that those requirements were not highly correlated, since licensing and information and communications technology services were contracted and paid on annual basis. Furthermore, the information and communications technology infrastructure could only be decommissioned and services terminated once all personnel in a given site had been withdrawn. Information and communications services would be required in the regional offices until the end of February 2017, and in Abidjan until the end of June 2017.

24. The Advisory Committee notes from the supplementary information that, compared with the expenditures of $1,556,600 for commercial communications and $67,900 for spare parts for 2015/16, the requested resources for the two expenditure lines increase to $2,130,200 and $224,000, respectively, for 2016/17. **Taking into account the phased withdrawal of Operation personnel, the Advisory Committee is not convinced by the explanations provided concerning the proposed increase in the resource requirements relating to the two sub-items (commercial communications and spare parts) under communications for the 2016/17 period. The Committee therefore recommends a total reduction of $729,700 to the proposed resource requirements for commercial communications ($573,600) and spare parts ($156,100).**

Information technology

25. A provision of $4,126,300 is proposed for information technology, representing a decrease of $822,200, or 16.6 per cent, compared with the appropriation for 2015/16. The Advisory Committee sought explanations for the disproportionately lower reduction compared with the proposed reductions under military and civilian personnel and was provided with the information set out in paragraph 23 above.

26. The Advisory Committee notes from the supplementary information that, compared with the expenditure of $608,100 for 2015/16 for the acquisition of software packages, licenses, fees and the rental of software, an amount of $762,000 is proposed for 2016/17, representing an increase of $153,900. In addition, while an expenditure of $2,633,100 was incurred for 2015/16 for information technology services, resources in the amount of $2,786,500 are proposed for 2016/17, representing an increase of $153,400. **Taking into account the phased withdrawal of Operation personnel, the Advisory Committee is of the view that the related resources for 2016/17 should be maintained at the levels of the actual expenditures for 2015/16. The Committee therefore recommends a total reduction of $307,300 to the proposed resource requirements for the acquisition**

of software packages, licences, fees and the rental of software ($153,900) and for information technology services ($153,400).

Support to the scale-up activities and programming of the United Nations country team

27. The Secretary-General proposes the inclusion of a provision of $4.95 million under other supplies, services and equipment with respect to the scale-up activities and programming of the United Nations country team, as requested by the Security Council in paragraph 20 of its resolution 2284 (2016). He indicates that additional opportunities will be explored for the use of the capacities of the United Nations agencies, funds and programmes to support mandate implementation by using assessed funds in such areas as social cohesion, including in cross-border areas and with regard to national reconciliation; security sector reform support; community disarmament; sexual and gender-based violence; women's human rights; and violence against children (see A/71/599, paras. 19, 54, 134 and 135).

28. The Advisory Committee was informed upon enquiry that the United Nations country team would need resources to implement the programmes derived from the six thematic areas identified in the UNOCI handover plan (see para. 7 above). The Committee requested a breakdown of the proposed requirements for the projects to be carried out by the United Nations country team, as set out in the table below.

Breakdown of the proposed requirements

Operation mandate area	*Thematic areas of United Nations country team projects*	*United Nations country team implementing entity*	*Proposed requirements (United States dollars)*
Social cohesion and national reconciliation	Cross-border social cohesion	Joint UNDP and IOM	UNDP 943 600
	Social cohesion and national reconciliation	Joint UNDP and UN-Women	UNDP 700 000 UN-Women 586 332
Support ComNat-APLC in the securing and disposal of weapons, clearing explosive remnants of war and ensuring that collected weapons are not disseminated or re-utilized	Community disarmament	UNDP	1 425 600
Security sector reform	Support for security sector reform	UNDP	594 000
Promote and protect human rights, with special attention to grave violations and abuses committed against children and women	Prevention of sexual and gender-based violence and data management	UNFPA	500 000
	Prevention of sexual and gender-based violence and promotion of women's human rights	UN-Women	101 520
	Violence against children	UNICEF	100 000
Total			**4 951 052**

Abbreviations: ComNat-APLC, Commission nationale de lutte contre la prolifération et la circulation illicite des armes légères et de petit calibre; IOM, International Organization for Migration; UNDP, United Nations Development Programme; UNFPA, United Nations Population Fund; UNICEF, United Nations Children's Fund; UN-Women, United Nations Entity for Gender Equality and the Empowerment of Women.

29. The Advisory Committee enquired as to the arrangements to be put in place for the oversight, governance and reporting of the proposed activities by the United Nations country team. The Committee was informed that the general guidelines set out by the Department of Peacekeeping Operations and the Department of Field Support for peacekeeping missions would apply, as well as the application of standard procedures in collaboration with the United Nations country team, such as putting in place a memorandum of understanding typically used between the Organization and implementing partners. It was indicated to the Committee that, in recognition of the need for proper oversight and accounting of funding for programme delivery, financial and substantive reporting would be a mandatory requirement for all implementing partners. **Considering that the proposed scale-up activities and programming of the United Nations country team is scheduled to take place during the withdrawal and closure of UNOCI, the Advisory Committee trusts that more detailed information on the project governance and reporting will be provided to the General Assembly at the time of its consideration of the revised budget for UNOCI for 2016/17. The Committee recommends that the Assembly request that the Secretary-General put in place sufficient measures to ensure that the implementing agencies are held accountable for the implementation of the proposed activities, along with the necessary programmatic and financial reporting requirements. In addition, the Committee requests that detailed information on the implementation of the projects be provided in the Operation performance report for the relevant period.**

30. In that connection, the Advisory Committee recalls that the General Assembly, in paragraph 68 of its resolution 70/286 on cross-cutting issues, recognized that the inclusion of programmatic funds in mission budgets on a case-by-case basis was intended to support the effective implementation of mandated tasks, and, in order to provide greater transparency, requested the Secretary-General to clearly and consistently present the cost of such activities when they were included in future mission budgets. In paragraph 69 of the same resolution, the Assembly also requested the Secretary-General to provide information on programmatic funding, including the scope, criteria, governance and accounting procedures, in the context of his next overview report. **The Advisory Committee will revert to the matter in the context of its consideration of the next report of the Secretary-General on the overview of the financing of the United Nations peacekeeping operations.**

National staff

31. The Secretary-General provides information on proposed training activities planned to assist national staff in their transition to future professional careers outside the Operation (see A/71/599, paras. 38 and 39), as requested by the General Assembly in its resolution 70/272. In the same resolution, the Assembly also commended the Operation for the efforts undertaken in that regard.

32. Upon enquiry, the Advisory Committee was informed that the proposed training plan for the 2016/17 period was oriented towards the capacity-building and enhancement of the professional competencies of UNOCI staff, with a particular focus on national staff members. UNOCI had organized and would continue to conduct a variety of training programmes, including one job fair held in September 2016, and another planned for December 2016 with the participation of United Nations agencies and offices. The Committee was also informed that the

competencies of the UNOCI national staff were highly regarded. A number of national staff had recently been recruited by embassies, the African Development Bank, the national civil service and a few private companies, as well as by other United Nations missions and the United Nations Volunteer programme. Other courses provided had helped a small number of staff to finalize individual projects to launch their own small businesses. **The Advisory Committee welcomes the efforts undertaken by UNOCI to prepare national staff for the transition by conducting training and hosting job fairs.**

Quick-impact projects

33. The report of the Secretary-General proposed a provision of $2 million for the 2016/17 period for the implementation of 49 quick-impact projects, and states that the implementation of such projects by UNOCI remains critical, in particular those in support of the facilitation role of the Special Representative of the Secretary-General in strengthening social cohesion and national reconciliation in the light of the Operation's withdrawal and closure (see A/71/599, paras. 113 and 114).

34. Upon enquiry, the Advisory Committee was informed that all projects were to be completed by 31 March 2017 and that all post-implementation evaluations would be completed by 30 April 2017. The Committee was also informed that expenditures amounted to $1,688,195 as at 31 October 2016. **The Advisory Committee trusts that all projects will be properly concluded as planned.**

C. Liquidation activities, restoration and environmental clearance

35. Information with respect to the liquidation activities and environmental clearance is contained in paragraphs 40 to 49 of the report of the Secretary-General. The Secretary-General indicates that, pursuant to paragraph 13 of General Assembly resolution 70/272, UNOCI has established a transition and liquidation task force, which is supported by two working groups: one on asset disposal and the other on camp closures.

36. The Advisory Committee sought and received assurances, upon enquiry, that UNOCI would strictly adhere to the United Nations regulations and rules governing the management of financial and human resources and assets, property, travel, procurement, medical administration, uniformed personnel and contingent-owned equipment throughout the liquidation and closure of the Operation. **The Advisory Committee stresses that the Operation must draw from the lessons learned from other operations with a view to ensuring the timely and appropriate liquidation and closure process in compliance with all applicable regulations and rules. The Committee expects that the Secretary-General will provide detailed information in that regard, including on any outstanding claims, in future performance reports of the Operation.**

Disposal of assets

37. The report of the Secretary-General indicates that UNOCI is finalizing its draft preliminary asset disposal plan, which will be completed in November 2016. Once completed and endorsed by the Chief of Mission Support and the United Nations Logistic Base at Brindisi, Italy, it will become the UNOCI asset disposal plan

(see A/71/599, para. 44). The Advisory Committee was informed upon enquiry that the draft plan had been completed and was forwarded to the Director of the United Nations Logistic Base for review and approval on 4 November 2016. **The Advisory Committee welcomes the finalization of the Operation's preliminary asset disposal plan and expects that, once it is approved, the Operation will implement the plan in a timely manner** (see also para. 22 above).

38. The report indicates that the Operation will dispose of an estimated 11,834 items of property, plant and equipment, which have an estimated depreciated value of $26.8 million, and 3,200,000 items of expendable inventory with an estimated value of $20.6 million. The above-mentioned items will be disposed of through: (a) transfer to other peacekeeping missions; (b) commercial sale and disposal; and (c) donation to the host Government and to non-governmental organizations (see A/71/599, paras. 41 and 42). **The Advisory Committee trusts that the liquidation of assets will be conducted in compliance with financial regulation 5.14.**

39. The Advisory Committee was informed upon enquiry that the transfer of assets to special political missions was also considered in the Operation's process of asset disposal. The assets that had been shipped or that were in the process of being shipped included 254 items intended for the United Nations Support Mission in Libya, while 751 items were still being processed.

Works to restore premises

40. A provision of $4,142,470 is proposed for alteration and renovation, including environmental improvement projects. The report indicates that the overall reduction in requirements under facilities and infrastructure is offset, in part, by increased requirements for alteration and renovation services to restore premises to their original state in preparation for handover to private landlords and government authorities, as required under rental agreements and the status-of-mission agreement (see A/71/599, para. 126). During the 2016/17 period, UNOCI plans to gradually close and hand over to the respective owners the various premises in phases (see A/71/599, paras. 20 and 21).

41. The Advisory Committee was informed upon enquiry that UNOCI was located at 63 premises as at 30 June 2016, rather than the 58 sites mentioned in paragraph 20 of the report of the Secretary-General. Of the 63 locations, 16 had been closed since 1 July 2016, mainly due to the repatriation of military contingents and formed police units. The Operation was present at 47 premises as at 22 November 2016. Furthermore, for 14 of the 47 premises, a small portion had been retained with a new lease or memorandum of understanding, while the remaining portion of the premises had been handed over to the rightful owners. From January to June 2017, the remaining 33 premises and the retained portions of the 14 premises are planned to be handed over to the owners in a phased manner as the Operation proceeds with its drawdown.

42. Upon enquiry, the Advisory Committee was further informed that "restoration of premises" refers to works that UNOCI is obligated to perform under commercial leases in order to return premises to landlords in good and orderly condition (except wear and tear), and to remove any alterations undertaken by UNOCI should a landlord so request. A provision of $1,871,800 was included in the revised budget for 2016/17 for such works for 25 commercially leased premises. In cases where the Government had provided land, the Operation was planning to hand over camps in

their current condition. **The Advisory Committee is of the view that more detailed information on the restoration works to premises and the handover process should be provided to the General Assembly at the time of its consideration of the revised budget for 2016/17.**

Camp closure and environmental clearance

43. The Secretary-General indicates that UNOCI is strongly committed to environmentally responsible closure of the Operation. The report indicates that the environmental clearance activities, which are undertaken in coordination with the Environment Unit and in line with Department of Peacekeeping Operations and UNOCI environmental policies and procedures, include: (a) camp clearance by the military contingents and formed police units to ensure that solid and hazardous waste (such as furniture, vehicle batteries, tires, chemicals and waste oils) is disposed of in an environmentally sound manner by the United Nations contracted waste disposal service providers; (b) clean-up actions undertaken by the Engineering Section (such as the removal of oil- and fuel-contaminated soil from vehicle workshop areas, the disposal of wood waste and the demolition of debris); and (c) the incineration of medical waste by the Medical Unit (see A/71/599, paras. 47 to 49).

44. **The Advisory Committee stresses the importance of compliance with the relevant rules and regulations, including, but not limited to, the United Nations environmental and waste management policy and procedures, as requested by the General Assembly in paragraph 31 of its resolution 70/286. Furthermore, the Committee is of the view that lessons learned from the closed peacekeeping operations with respect to environmental clearance activities should be applied by the Operation.**

III. Conclusion

45. The actions to be taken by the General Assembly in connection with the financing of UNOCI for the period from 1 July 2016 to 30 June 2017 are contained in section V of the revised budget (A/71/599). **Subject to its comments and recommendations above, the Advisory Committee recommends that the Assembly appropriate an amount of $175,888,900 for the maintenance of the Operation for the 12-month period from 1 July 2016 to 30 June 2017, inclusive of the amount of $153,046,000 previously authorized for the period from 1 July to 31 December 2016 under the terms of Assembly resolution 70/272.**

Annex

Status of expenditures and resource requirements for the United Nations Operation in Côte d'Ivoire for the period from 1 July 2016 to 30 June 2017, as at 31 October 2016

Category	*Authority to enter into commitment* 1 July–31 December 2016 (1)	*Expenditure* 1 July–31 October 2016 (2)	*Projected expenditure* 1 November 2016–30 June 2017 (3)	*Revised requirement* 1 July 2016–30 June 2017 (4)	*Additional revised requirement* 1 January–30 June 2017 (5) = (4)-(1)
Military and police personnel					
Military observers	4 111.9	1 751.5	1 433.7	3 185.2	(926.7)
Military contingents	52 138.5	41 313.3	5 915.4	47 228.7	(4 909.8)
United Nations police	10 066.6	4 384.2	4 421.8	8 806.0	(1 260.6)
Formed police units	13 010.0	6 991.5	2 710.8	9 702.3	(3 307.7)
Subtotal	**79 327.0**	**54 440.5**	**14 481.7**	**68 922.2**	**(10 404.8)**
Civilian personnel					
International staff	21 868.5	15 619.1	18 768.8	34 387.9	12 519.4
National staff	9 315.6	5 637.3	5 206.7	10 844.0	1 528.4
United Nations Volunteers	2 723.6	678.9	1 592.7	2 271.6	(452.0)
General temporary assistance	–	(0.2)	0.2	–	–
Government-provided personnel	169.6	41.4	6.5	47.9	(121.7)
Subtotal	**34 077.3**	**21 976.5**	**25 574.9**	**47 551.4**	**13 474.1**
Operational costs					
Civilian electoral observers	–	–	–	–	–
Consultants	189.0	146.0	638.9	784.9	595.9
Official travel	1 479.0	585.3	2 405.7	2 991.0	1 512.0
Facilities and infrastructure	12 188.5	4 607.6	13 435.2	18 042.8	5 854.3
Ground transportation	2 239.2	1 246.2	2 457.4	3 703.6	1 464.4
Air transportation	10 730.6	8 259.5	4 202.5	12 462.0	1 731.4
Naval transportation	2.4	1.7	(1.7)	–	(2.4)
Communications	2 416.4	1 066.2	2 624.6	3 690.8	1 274.4
Information technology	2 245.0	635.4	3 490.9	4 126.3	1 881.3
Medical	467.4	342.2	323.3	665.5	198.1
Special equipment	–	–	–	–	–
Other supplies, services and equipment	6 684.2	4 305.0	9 629.4	13 934.4	7 250.2
Quick-impact projects	1 000.0	2 049.0	(49.0)	2 000.0	1 000.0
Subtotal	**39 641.7**	**23 244.1**	**39 157.2**	**62 401.3**	**22 759.6**
Gross requirements	**153 046.0**	**99 661.1**	**79 213.8**	**178 874.9**	**25 828.9**
Staff assessment income	3 727.3	2 365.9	2 436.8	4 802.7	1 075.4
Net requirements	**149 318.7**	**97 295.2**	**76 777.0**	**174 072.2**	**24 753.5**
Total requirements	**153 046.0**	**99 661.1**	**79 213.8**	**178 874.9**	**25 828.9**

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Seventy-first session
Agenda items 68 and 84

Promotion and protection of human rights

The rule of law at the national and international levels

Letter dated 18 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement of the State Duma of the Federal Assembly of the Russian Federation on the criminal case in connection with the events of 13 January 1991 now being considered in the Vilnius District Court, Republic of Lithuania (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda items 68 and 84.

(*Signed*) P. **Iliichev**
Chargé d'affaires a.i.

16-21950 (E) 151216 151216

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Annex to the letter dated 18 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement by the State Duma on the criminal case in connection with the events of 13 January 1991 now being considered in the Vilnius District Court, Republic of Lithuania

The second phase in the criminal trial of more than 60 citizens of the former Union of Soviet Socialist Republics (USSR) in connection with the events of 13 January 1991 began on 3 October 2016 in the Vilnius District Court, Republic of Lithuania. Among the accused are citizens of the Russian Federation. Y. N. Mel, a former Soviet officer and Reserve Colonel in the Armed Forces of the Russian Federation, who was indicted in person, has been in detention for nearly three years, despite a grave illness. The vast majority of the accused in this case are outside the Republic of Lithuania, primarily in the Russian Federation, and are being indicted in absentia. They include D. T. Yazov, former Minister of Defence of the USSR. The persons on trial stand accused of attempting to make unlawful changes to the constitutional system of the Lithuanian State, undermine its independence and territorial integrity and commit crimes against humanity and war crimes during the tragic events that occurred in the city of Vilnius on 13 January 1991, when the television tower was stormed. During those events, 14 people, including Soviet Lieutenant V. V. Shatskikh, lost their lives, and more than 100 were injured.

The position of the Office of the Procurator-General of the Republic of Lithuania on what is known as the 13 January case is that Lithuania fell victim to aggression by Moscow. This position is completely untenable from both the legal and political standpoints. The events in Vilnius in connection with which citizens of the former USSR are being charged took place at a time when the Lithuanian Soviet Socialist Republic, not yet an independent State, was part of the USSR. The procedure for withdrawal from the USSR was governed by USSR law, specifically by the Act of the USSR of 3 April 1990 on the procedure for resolving matters associated with the secession of a Union republic from the USSR. Owing to the fact that the withdrawal of a Union republic from the USSR was not an instantaneous process, 6 September 1991, which was the date of adoption of Decision GS-1 of the USSR State Council, on recognition of the independence of the Republic of Lithuania, should be considered the date when Lithuania became independent. Following adoption of that Decision, the Republic of Lithuania received international recognition and joined the United Nations.

Citizens of the former USSR are being charged with crimes under several articles of the 2000 Criminal Code of the Republic of Lithuania, with charges laid under the version that entered into force on 31 March 2011, even though the events in question occurred on 13 January 1991. In addition, according to article 7 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, no one can be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Similar provisions are contained in article 11 of the Universal Declaration of Human Rights, adopted

on 10 December 1948, and in article 15 of the International Covenant on Civil and Political Rights, adopted on 16 December 1966. These are flagrant attempts by the Lithuanian authorities, based on expediency and their own misconceptions regarding political advisability, to violate one of the fundamental principles of justice, that of non-retroactivity in criminal law.

The deputies of the State Duma of the Federal Assembly of the Russian Federation consider the kangaroo court proceeding now under way in connection with the 13 January case to be a political trial in the worst traditions of punitive justice, which has nothing to do with the protection of human rights and freedoms, runs counter to international law and is distinctly anti-Russian in character. Not only do such trials contribute nothing to the restoration of a genuinely friendly atmosphere of engagement between our States, they also do serious harm to the long-term interests of Russo-Lithuanian relations.

The deputies of the State Duma protest attempts to adopt — in the guise of execution of justice — political decisions targeting the Russian Federation. By falsifying history, opponents of friendly, neighbourly relations between the peoples of Russia and Lithuania are laying the groundwork for international condemnation of Russia as successor to the so-called totalitarian regime of the USSR, with the intention of proceeding to make material and other claims that are supposedly legal in nature but are in fact politically motivated.

The deputies of the State Duma believe that the tragic events that occurred in January 1991 in Vilnius, as well as other events related to the collapse of the Soviet Union, should be considered on the basis of universally recognized rules of law, political impartiality and historical truth.

The deputies of the State Duma hereby state that they will continue to provide the necessary assistance to citizens of the Russian Federation and citizens of other States who are being prosecuted in the 13 January case, by means including providing for their legal and informational support through interparliamentary cooperation mechanisms.

V. V. **Volodin**
Chairman of the State Duma
Federal Assembly
of the Russian Federation

Moscow

9 November 2016

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Seventy-first session
Agenda item 72
Report of the International Criminal Court

Letter dated 18 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement from the Ministry of Foreign Affairs of the Russian Federation on the decision of the Russian Federation not to become a party to the Rome Statute of the International Criminal Court (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 72.

(*Signed*) P. **Iliichev**
Acting Permanent Representative

16-21965 (E) 131216 141216

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Annex to the letter dated 18 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement from the Ministry of Foreign Affairs of the Russian Federation

On 16 November 2016, the President of the Russian Federation signed the Decree on the decision of the Russian Federation not to become a party to the Rome Statute of the International Criminal Court. The requisite notification will be delivered to the depositary shortly.

Russia has been consistently advocating prosecution of those responsible for the most serious international crimes. It was instrumental in the establishment of the Nuremberg and Tokyo tribunals, participated in the development of the documents providing the foundation for combating serious international crimes including genocide, crimes against humanity and war crimes. It was for these very reasons of principle that Russia voted in favour of the adoption of the Rome Statute and signed it on 13 September 2000.

The international community had great expectations of the International Criminal Court, the first permanent international criminal judicial body, as a means to combat impunity in the context of common efforts to maintain international peace and security, to settle ongoing conflicts and to prevent the outbreak of new tensions.

Unfortunately the Court failed to fulfil the hopes invested in it, and never became a truly independent, authoritative international tribunal. Critically, the work of the Court in investigating the cases before it was characterized in a number of forums including the United Nations General Assembly and Security Council as ineffective and one-sided. It is telling that, in its 14 years of operation, the Court has passed only four sentences, at a cost of over one billion dollars.

Under these circumstances, the decision of the African Union to embark on developing a path towards a coordinated withdrawal of African States from the Rome Statute is understandable. Some participating States have already started such a process.

Russia could not fail to be alarmed by the reaction of the International Criminal Court to the events of August 2008. The Saakashvili regime's attack on peaceful Tskhinvali and the slaughter of Russian peacekeepers drew accusations from the Court against South Ossetian militia members and Russian soldiers. Eventual investigation of the actions and orders of Georgian officials was explicitly left to the discretion of Georgian justice, and remains outside the focus of the Prosecutor's Office of the International Criminal Court. This turn of events speaks for itself. It is hard to imagine trusting the International Criminal Court in such a situation.

The decision of the Russian Federation not to become a party to the Rome Statute of the International Criminal Court, in other words, to withdraw its signature from the Statute, carries legal consequences covered by the 1969 Vienna Convention on the Law of Treaties.